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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TYLER LYNN,

Plaintiff,

v.

MELISSA GOFF,

Defendant.

Case No. 1:24-CV-211-CL

ANSWER TO COMPLAINT

Defendant Melissa Goff, in her official capacity as Interim Executive Director of the Oregon Teacher Standards and Practices Commission, by and through their undersigned counsel, respond to Plaintiff Tyler Lynn's Complaint, ECF #1, and admit, deny, and allege as follows.

1.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.

2.

The first sentence in paragraph 2 is argumentative to which no response is required. Defendant denies the second sentence of paragraph 2. Defendant admits that the Diversity License Expense Reimbursement Program reimburses teachers for the costs of obtaining or renewing their

licenses. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2.

3.

Defendant admits that teachers are in high demand, especially bilingual teachers. Defendant denies that Oregon is engages in discriminatory treatment or that the State denies benefits solely because of skin color. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3.

4.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 4.

5.

Defendant admits the allegations of paragraph 5.

6.

Defendant admits the allegations of paragraph 6.

7.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7.

8.

Defendant admits the allegations of paragraph 8, except that Defendant denies that she possesses final policy-making authority.

9.

Defendant admits that HB 3427 was approved in May 2019. The remaining allegations of paragraph 9 characterize the contents HB 3427, which speaks for itself and is the best evidence of

its contents, and Defendant denies any inconsistent allegations. Defendant denies any remaining allegations.

10.

Defendant admits that the TSPC adopted OAR 584-200-0121 to provide for reimbursements for diverse license applicants. The remaining allegations of paragraph 10 characterize the contents of OAR 584-2000-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

11.

The allegations of paragraph 11 characterize the contents of OAR 584-200-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

12.

The allegations of paragraph 12 characterize the contents of OAR 584-2000-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

13.

The allegations of paragraph 13 characterize the contents of OAR 584-2000-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

14.

The allegations of paragraph 14 characterize the contents of OAR 584-2000-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

15.

The allegations of paragraph 15 quotes from and characterize the contents of ORS 342.433, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

16.

Defendant admits the allegations of paragraph 16.

17.

The allegations of paragraph 17 characterize the contents of OAR 584-2000-0121, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

18.

The allegations of paragraph 18 characterize the contents of the identified Temporary Administrative Order, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

19.

The allegations of paragraph 19 characterize the contents of the identified Temporary Administrative Order, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

20.

The allegations of paragraph 20 characterize the contents of the identified Temporary Administrative Order, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

21.

The allegations of paragraph 21 quotes from or characterize the contents of the ORS 342.437 which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

22.

Defendant admits the allegations of paragraph 22.

23.

Defendant admits the allegations of paragraph 23.

24.

Defendant admits Plaintiff holds a professional teaching license that permits a person to teach pre-kindergarten through twelfth grade classes in Oregon public schools, education service districts, and charter schools and that a license is valid for five-years and renewable, but denies that professional development requirements are currently required for renewal. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations specific to Plaintiff in paragraph 24.

25.

Defendant admits the allegations of paragraph 25.

26.

Defendant admits that a profession teaching license is a type of license for eligible for reimbursement.

27.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27.

28.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28.

29.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29.

30.

Defendant admits that the screen shot contain in paragraph 30 states “It appears that you don’t qualify for the reimbursement program,” but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 30.

31.

Defendant admits that Mr. Lynn would be eligible for reimbursement if he meets the requirements of OAR 584-200-0121, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 31.

32.

Defendant. admits that as of the date of this Answer, Plaintiff has not received funds from the Diversity License Expense Reimbursement Program, but is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning whether Plaintiff has received any funds from other sources.

33.

In response to paragraph 33, Defendant incorporates and reasserts each and every response to the preceding paragraphs of the Complaint.

34.

Paragraph 34 states legal conclusions to which no response is required.

35.

Defendant admits that TSPC administers the program for reimbursements for diverse license applicants described in OAR 584-200-0121. Defendant denies that she authorized, developed, or implemented OAR 584-200-0121. Defendant denies that Chapter 122, Section 48 of the 2019 Oregon Laws requires or created the program for reimbursements for diverse license applicants described in OAR 584-200-0121. The remaining allegations of paragraph 35 state legal conclusions to which no response is required. Defendant denies any remaining allegations.

36.

The allegations of paragraph 36 quotes from and characterize the contents of the Fourteenth Amended to the Constitution of the United States, which speaks for itself and is the best evidence of its contents, and Defendant denies any inconsistent allegations.

37.

Paragraph 37 states legal conclusions to which no response is required.

38.

Paragraph 38 states legal conclusions to which no response is required.

39.

Paragraph 39 states legal conclusions to which no response is required.

40.

Defendant denies that Plaintiff is entitled to relief sought in the Prayer for Relief.

41.

Defendant denies each and every allegation of Plaintiff's Complaint not expressly admitted above. To the extent that a response is required for any of the allegations to which Defendant asserts no response is required, Defendant denies those allegations.

WHEREFORE, Defendant asks the Court to dismiss the complaint, award costs, expenses, and fees as allowed by law to Defendant, and for other and further relief as the Court deems just and proper.

DATED February 26, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 26, 2024, I served the foregoing ANSWER TO COMPLAINT upon the parties hereto by the method indicated below, and addressed to the following:

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